

Kerrville Ordinance Updates

CRC Meeting #9

September 25, 2019





Meeting Overview

- Call to Order
- Meeting Overview
- Final Discussion/Direction on Tree Preservation, Tree Pruning and Dark Sky
- Discussion of Draft Landscape Ordinance
- Discussion of Draft Zoning Overlays
- Status Update - Subdivision Ordinance
- Next Steps
- Adjourn



Changes to Tree Preservation Guidelines

- Changes Based on CRC Comments/Direction at CRC Meeting #8:
 - Guidelines: for preservation of Heritage Trees, Specimen Trees (18"+) and all types of Oaks (due to oak wilt disease issue)
 - Tree Pruning: provisions (and applicable definitions) now incorporated into Landscape Ordinance



CRC Comments - Tree Preservation Guidelines



Changes to Tree Pruning Ordinance

- Changes Based on CRC Comments/Direction at CRC Meeting #8:
 - Moved from Tree Preservation: now incorporated into Landscape Ordinance (rather than as a separate ordinance)
 - Applicability: citywide
 - Specimen Tree Types: removed Mesquite Tree, added Box Elder to the exempt specimen tree list
 - Definition of “Caliper”: clarified how to measure



CRC Comments - Tree Pruning Ordinance



Changes to Dark Sky Ordinance

- Changes Based on CRC Comments/Direction at CRC Meeting #8:
 - Applicability: applies only to NEW developments in nonresidential, mixed-use and PD zoning districts within the City's limits, and only applies to non-building-attached lighting (due to HB 2439)
 - Holiday Lights: changed term to “festoon lights” to avoid confusion with holiday-oriented lighting
 - Flagpole Lighting: maximum 1,300 lumens; directional spotlight allowed for each flag, upward floodlights prohibited
 - Landscape Lighting: deleted
 - Temporary Lighting: conforming = allowed...nonconforming = CUP



CRC Comments - Dark Sky Ordinance

Discussion of Draft Landscape Ordinance

Preliminary CRC Direction (August Meeting)

- Landscaping
 - In favor of Tree Pruning as an ordinance (now incorporated into Landscaping Ordinance)
 - Supported landscape ordinance rather than guidelines
 - Agreed with credit for landscaping in R.O.W.
 - Wanted to establish a minimum standard (10% of the street yard)
 - Thought irrigation should be encouraged, but not required

Walgreens Example





Highlights of Draft Landscape Ordinance

- Applicability: applies only to NEW developments in nonresidential, mixed-use and PD zoning districts within the City's limits
- Landscape Plan: required (does not have to be sealed by a licensed Landscape Architect) – staff approval
- Basic Planting Criteria: for required landscaped areas
- Requirements: at least 10% of “street yard” (between building face and ROW) to be landscaped:
 - up to 50% can be decorative rocks/gravel, and
 - Up to 50% can be within ROW



Highlights of Draft Landscape Ordinance

- Sight/Visibility: vertical “zone” (between 30” to 9’ above grade) and “corner clips” (10’ triangles at street/alley and two-alley intersections, and 25’ triangles at street/driveway and two-street intersections)
- Maintenance: in “living and growing” condition
- Irrigation: not required, but encouraged
- Tree Pruning: per previous slide
- Recommended Plant List: proven/hardy species for Kerrville’s geographic region

CRC Discussion/Direction

Draft Landscape Ordinance

Discussion of Zoning Overlays

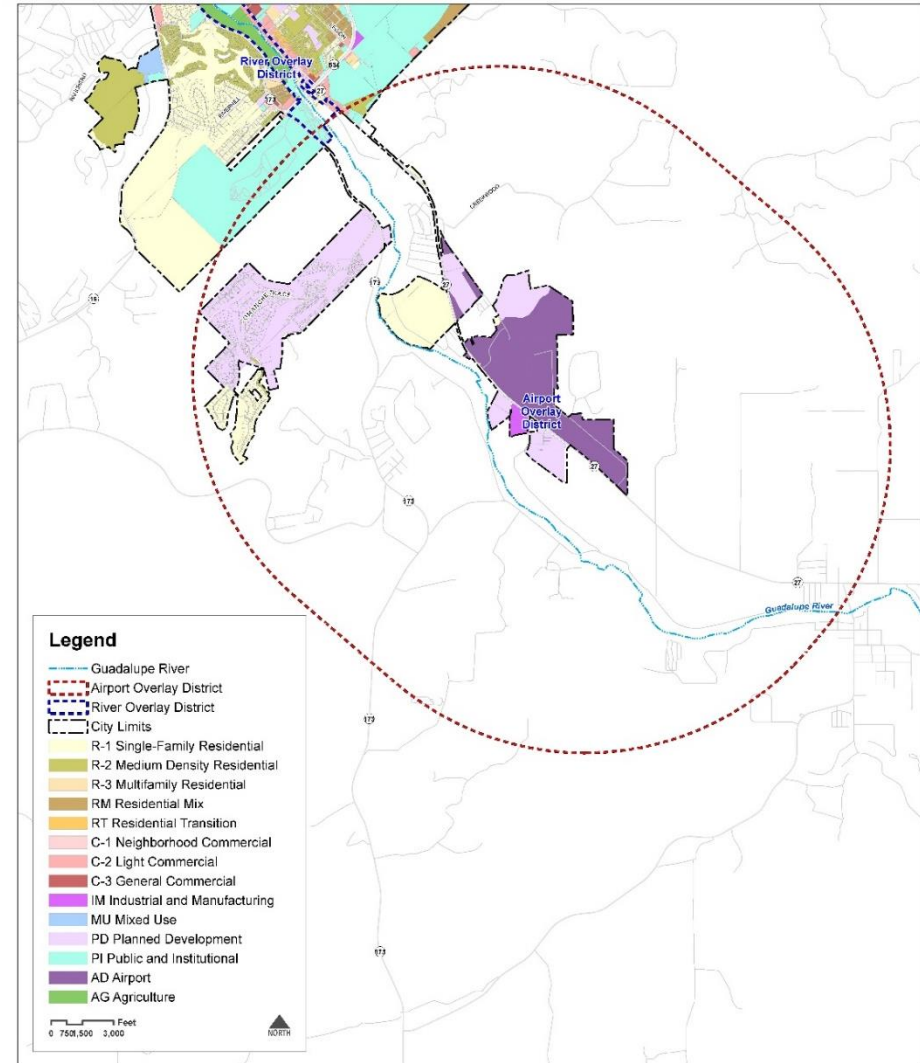


Airport Overlay District Highlights

- Purpose:
 - Establish land use compatibility
 - Reduce hazards (public and aviation users)
 - Protect airport viability
 - Protect navigable airspace from obstructions
 - Promote the public health, safety, and general welfare of City of Kerrville residents and aviation users

Airport Overlay District Highlights

- Applicability:
 - Incorporated areas within airport district boundary
 - Does not alter underlying zoning designation
 - Some specific standards supersede the underlying zoning





Airport Overlay District Highlights

- Regulated Activities – Use that creates potential hazards to aircraft in flight:
 - Electrical interference with airport radio communications or navigational signals
 - Lighting or other installations that cause glare that could be mistaken for airport lighting
 - Installations or activities which could result in impaired visibility near the airport
 - Emissions of fly ash, dust, vapor, gases or other forms of emissions
 - Areas of standing water greater than one-half acre; and/or
 - Structures, trees, or other objects that cause an obstruction to navigable airspace as defined in Title 14 Code of Federal Regulations Part 77, Imaginary Surfaces



Airport Overlay District Highlights

- Runway Protection Zone (RPZ)
Land Uses Limited to:
 - Agriculture (no structures or livestock)
 - Aircraft runways and taxiways
 - Aviation navigational aids
 - Structures required for airport operation (no human occupation)
 - Open lands



Airport Overlay District Highlights

- Extended Runway Centerline Protection:
 - Land use subject to underlying district
 - Asphalt plants prohibited
 - Conditional use permit is required for any allowed uses within the zoning district that allow public use and access
 - No land use, building, or structure permitted that promotes above ground storage of bulk fuel, flammable substances, or materials with a tank size greater than 6,000 gallons



Airport Overlay District Highlights

- Exemptions
 - A land use, lot, building, or structure not conforming to this chapter that was lawfully permitted and established prior to the adoption of this chapter (Treatment of nonconformities subject to Kerrville Zoning Code, Ordinance No. 2019-17, Article XIII)
 - Airport landing facilities, necessary aviation uses, and the manner in which aircraft operate on the airport or in the surrounding airspace approved by the Federal Aviation Administration



Airport Overlay District Highlights

- Federal Aviation Regulations (FAR) Part 77, surfaces and height hazard overlay.
- Focused on air spaces above and around airports that require protection from potential obstructions that might interfere with airport traffic and potentially create a safety risk to aircraft occupants and citizens on the ground
- No structure, landscaping, or other object shall be permitted, approved, or authorized to have a height exceeding the FAR Part 77 Surfaces

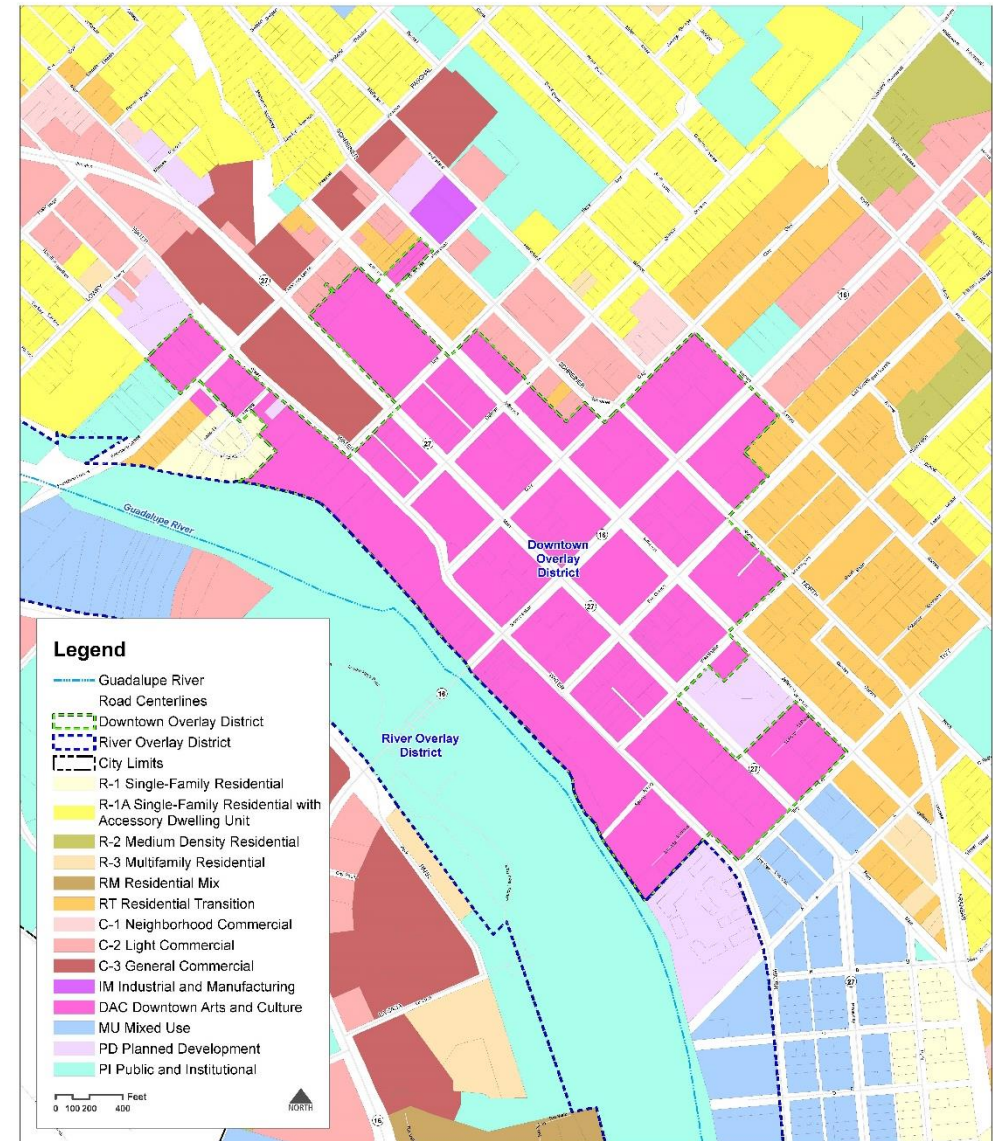


Downtown Overlay District Highlights

- Purpose:
 - Enhance aesthetic, functional and safety aspects within downtown
 - Enhance downtown as a desirable place to live, work and shop
- Authorized Uses:
 - All uses listed for the underlying Downtown Arts and Cultural District (DAC) zoning district

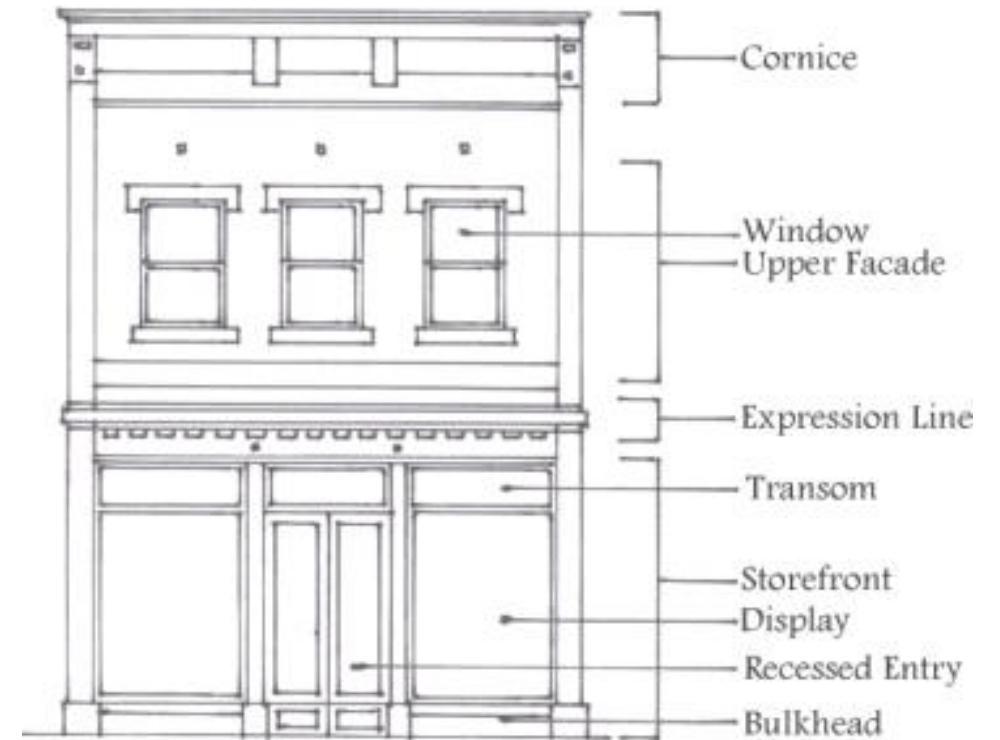
Downtown Overlay District Highlights

- District Boundaries:
 - The area defined by the Downtown Arts and Cultural District (DAC) zoning



Downtown Overlay District Highlights

- Special Requirements – Building Articulation / Scale
 - Clearly defined primary entrances with distinguishing features such as a canopy, arcade, gallery, portico or other prominent element of the architectural design





Downtown Overlay District Highlights

- **Recommended** building materials:
 - Minimum of fifty (50) percent of the exterior cladding of primary structures consisting of stone masonry with the remaining fifty (50) percent of a primary structure consisting of brick, cast stone, cast metal, cementations composite fiberboard, decorative or split face concrete block.
 - Metal siding and EIFS should only as trim and accent materials above ground floor.
 - A minimum of twenty-five (25) percent of the wall area facing a public street **shall** contain windows or doorways.
 - Glass:
 - Nonreflective glass preferred
 - Glass **shall** not comprise more than fifty (50) percent of the building skin
 - Reflective glass discouraged



Downtown Overlay District Highlights

- Special Development Standards for:
 - Relationship of a structure to the site (streetscape transitions, parking areas, setbacks, similar height and scale to adjoining buildings)
 - Relationship of buildings and sites to adjoining areas (compatible architectural styles, landscape transitions, creation of visual interest)
 - Building design (no restriction on architectural style, incorporation of special design features to establish continuity)
 - Roofs (screening mechanical equipment, range of roof pitch)
 - At-grade screening (mechanical equipment screened from public ROW or open space)

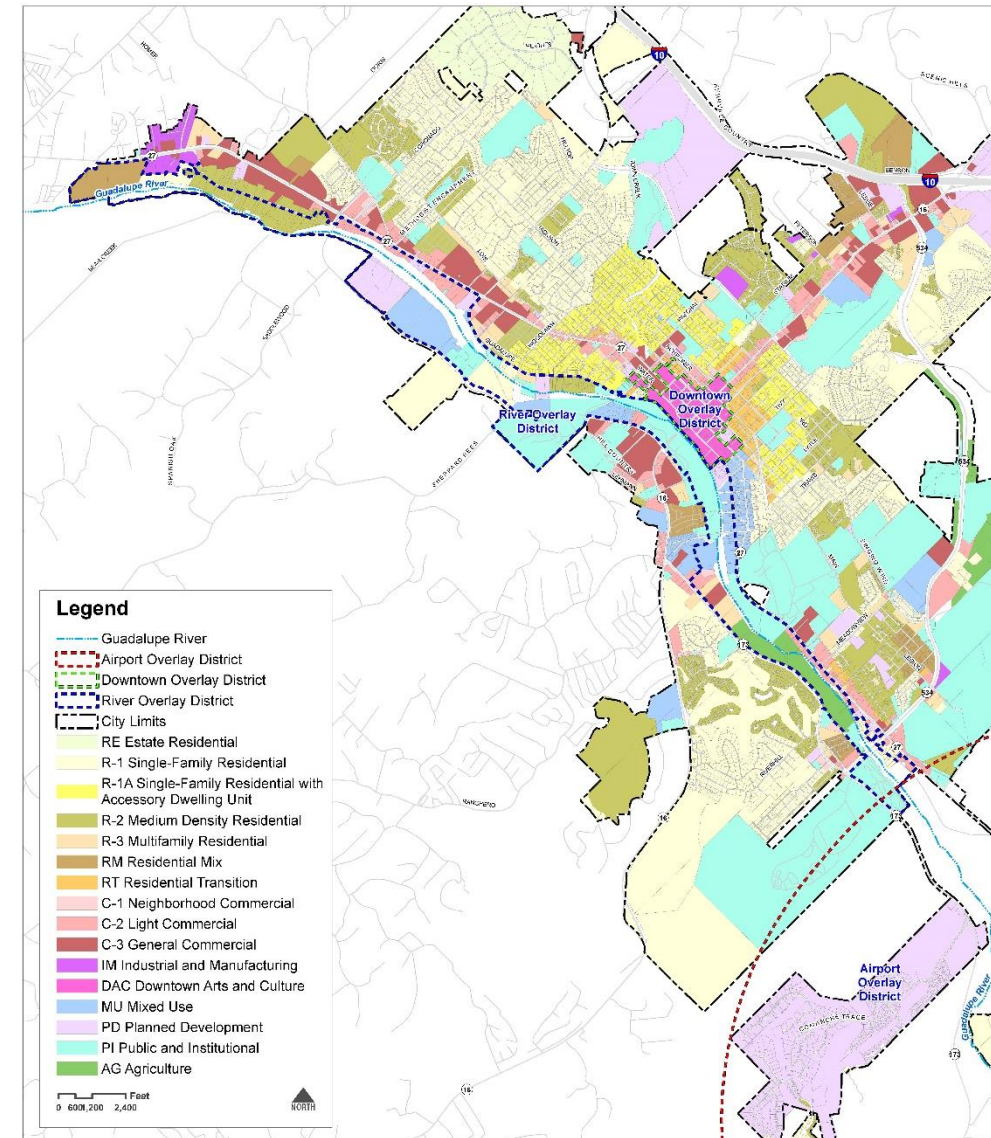


River Corridor Overlay District Highlights

- Purpose:
 - Enhance aesthetic, functional and safety aspects of the Guadalupe River Corridor
 - Establish land use compatibility
 - Enhance river corridor as a desirable place to live, work shop and recreate
 - Protect the water quality of the Guadalupe River (Kerrville's source for drinking water) from pollutants

River Corridor Overlay District Highlights

- District Boundaries:
 - Incorporated areas within the river overlay district boundary





River Corridor Overlay District Highlights

- Authorized Uses:
 - All uses listed for the underlying zoning district(s) except where specific restrictions (related to water quality) supersede the underlying zoning
 - Restrictions would be related to some uses within C-3 and C-2 zoning districts (auto service and repair, auto body shop, full and self service car wash, fuel sales, auto parts stores, laundry/dry cleaning plant)
 - New IM uses would be prohibited



River Corridor Overlay District Highlights

- Special Standards:
 - Primary building orientation towards front yard
 - Secondary building orientation towards river
 - Building entrance
 - Pedestrian access
 - Amenities (covered/uncovered patios, decks, balconies)
 - Siting and screening requirements for surface parking
 - Restrictions on outdoor storage (C-2 and C-3 uses)

CRC Discussion/Direction

Draft Zoning Overlays

Status Update

Subdivision Ordinance



Draft Goals (From Stakeholder Interviews)

- **Resolve conflicts** between Subdivision Ordinance and other part of the City Code
 - Construction standards for public v. private streets
 - Parking within easements
 - Ambiguities and inconsistencies requiring staff interpretation
- **Reduce inherent challenges** in ordinance and standards
 - Evaluate the impact of topography on developers' ability to meet ordinance requirements
 - Develop a sidewalk strategy to address the requirement to build “sidewalks to nowhere” just to satisfy the ordinance
- **Strengthen regulations** regarding development in floodplain areas



Subdivision 101

- Part of the development regulation process - platting
 - State law authorizes pursuant to health, safety, and public welfare
 - Different from Zoning – government authority significantly limited in reviewing a plat
 - Subdivision regulations govern the division of land into two or more parts. The regulations specify the standards for drawing and recording a plat, and requirements for public improvements necessary to make the property suitable for development.
 - Ministerial act
- Basis of regulations:
 - System for land registration
 - Legitimate government interest in “promoting healthy and orderly development” and protecting future lot owners



Subdivision 101

- Terms:
 - Subdivision (to subdivide, subdividing): the division of land
 - Platting (to plat) – Government process
 - Subdivision Plat (or Plat) – a government permit that depicts lots, blocks, streets, etc.
 - Planning Commission – appointed governmental body with plat approval authority; City's Planning and Zoning Commission
 - Extraterritorial Jurisdiction ("ETJ") - special area surrounding a city where city has power of annexation and limited regulatory authority; City's platting authority is extended to ETJ (1 mile)
 - Preliminary Plat – initial submitted plat – less detailed
 - Final Plat – upon approval, ready for recording in property records; fully engineered; must meet state and City laws
 - Dedications – rights granted to cities for public streets (right of way), utilities, parks; in general, owners/developers construct improvements and as part of plat review, cities inspect and approve if specifications followed



Subdivision 101

- State law:
 - “The municipal authority . . . must approve a plat or replat . . . that satisfies all applicable regulations.” LGC §212.005
 - Cities must promptly approve plats within 30 days after filing is complete
- Platting is independent from and does not affect Zoning



Ordinance Outline

- General Provisions:
 - Authority; Purpose; Jurisdiction
 - Consistency with Comprehensive Plan and Zoning Code
 - Technical Construction Standards & Specifications (TCSS)
 - Definitions
 - ETJ Policies and Regulations
 - When a Plat is Required; When a Plat is Not Required
 - Existing Lots and Land Parcels
 - Special Provisions



Ordinance Outline

- Platting Procedures:
 - General Procedures; Completeness; Fees; etc.
 - Administrative Plats (minor, amending, some types of replats)
 - Concept Plan/Land Study (large subdivisions)
 - Construction (preliminary) Plat
 - Final Plat
 - Replat Without Vacating Prior Plat
 - Vacation Plat
 - Abandonments (street/alley ROWs, fire lanes, etc.)



Ordinance Outline

- Design and Construction Standards:
 - General (TCSS; reserve strips; subdivision names; etc.)
 - Blocks (length; width; shape; etc.)
 - Lots (width; depth; shape; frontage; key corner lots; etc.)
 - Alleys (if provided; length; intersections; etc.)
 - Easements (public and private)
 - Sidewalks (location; width; etc.)
 - Streets (length; intersections; offsets; etc.)
 - Utilities (per TCSS)
 - Storm Drainage (per TCSS)
 - Screening Walls/Techniques (lots backing onto roads)
 - Public Sites and Open Spaces (park land dedication)



Ordinance Outline

- Adequacy of Essential Facilities:
 - Minimum Standards
 - Improvement of Substandard Streets and Utilities
 - Timing of Dedication and Construction
 - Rough Proportionality Determination and Appeal
- Legal Provisions:
 - Penalties for Violations
 - Severability Clause
 - Savings/Repealing Clause
 - Effective Date



Ordinance Outline

- Technical Construction Standards & Specifications:
 - Streets
 - Alleys
 - Sidewalks
 - Water Lines/Facilities
 - Wastewater Lines/Facilities
 - Storm Drainage
 - Fire Lanes
 - Screening Walls/Devices
 - Retaining Walls



Ordinance Outline

- Development Applications:
 - Application Forms
 - Fees
 - Checklists
 - Tax Certificates
 - Hard Copy Submittals
 - Digital Submittals
 - Civil Engineering Plans



CRC Survey Overview

- A link to a SurveyMonkey survey will be emailed to each of you on 9/27/19
- The survey will focus on key policy issues related to the zoning overlays and subdivision ordinance
- The survey will be open until 10/3/19
- Your participation will be greatly appreciated so that the consultant team can receive strategic direction prior to completing the zoning overlays and draft Subdivision ordinance for your review

CRC Discussion/Direction

Subdivision Ordinance

Next Steps



Next Steps

- The Consultant Team will make final revisions to Tree Preservation Guidelines, Dark Sky Ordinance and Draft Landscape Ordinance based upon your feedback
- The Team will also incorporate your comments this evening and from the survey into the draft overlay districts and a draft Subdivision Ordinance
- CRC Meeting #10 – October 29th – City Hall
- P& Z Public Hearing – November 7th – City Hall
- City Council Public Hearing – December 10th – City Hall

Adjournment

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